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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,523	06/27/2003	Shawn Bishop	PLC1-H04	3058
7590	03/06/2006		EXAMINER KARKHANIS, AASHISH	
Karl M. Steins Steins & Associates Suite 120 2333 Camino del Rio South San Diego, CA 92108			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 03/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,523	Applicant(s) BISHOP, SHAWN	
	Examiner Aashish Karkhanis	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Junkin (U.S. Patent 5,846,132).

Regarding Claims 1, 8, 14 and 20, Junkin discloses a network of computing devices comprising two or more participant client computers (col. 18, lins. 44 – 46; where a player operating a personal computer registers a team and is a client participating in a game) in communication with a host computer (col. 18, lin. 43) over a network (col. 18, lins. 47 – 48) with data storage storing information relating to performance of the players in actual competitive events (col. 16, lins. 31 – 33; where a central server tracks actual game statistics throughout a season and stores game data for remote access by any player), a fantasy gaming method executed by said host computer for interaction therewith at said participant client computers (col. 16, lins. 37 – 39; where host and client computers as described above interact to provide a game). Junkin also discloses multiple participants creating multiple respective teams via multiple respective client computers (col. 19, lins. 7 – 8; where individual participants up to a specified maximum number build up and recruit for their respective teams) where a first team issues a challenge to engage in a fantasy game issued by said first team to

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said second team and an acceptance of said challenge by said second team (col. 1, lins. 29 – 33; where a host computer matches teams for play and automatically challenges teams during a regular season). The method solicits and accepts from each participant an initial selection and purchase of players to form the participant's fantasy sports team (col. 5, lins. 21 – 27; where each participant enters a draft to select players for the above team) including a wager (col. 2, lins. 19 – 21; where players may win prizes that may be set up through participants' initial wagers).

Regarding Claims 2 – 3 and 15 – 16, Junkin discloses a game method where a first team challenges a second team to engage in a fantasy game at a future date (col. 1, lins. 29 – 33; where challenges, also called team match-ups, are set before the following week's games are played within a participant's lineup and scores are updated based on game results), and where an acceptance step is preceded by a second team issuing a counterchallenge to a first team, and said acceptance step is an acceptance of said counterchallenge by said first team (col. 1, lins. 29 – 33; where challenges, counterchallenges, and acceptances of challenges and counterchallenges are inherently handled automatically by teams and a game host at a central site when team schedules are formed).

Regarding Claims 4 – 7, 9 – 11 and 17 – 19, Junkin discloses a game method where a challenge creates a first duel (col. 1, lins. 29 – 33; where teams are matched up to play against each other each week of the fantasy season) where a victor is determined by performance results of actual players in an actual sporting event (col. 16, lins. 31 – 33; where a player's team whose team members collectively score the most

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points in a game is awarded with a win for that game). Also, a third participant creating a third team via one said participant client computer where said third team may engage in a second duel with either first or second team, and where a plurality of said teams engage in a plurality of said duels (col. 1, lins. 29 – 33; where multiple teams may participate and all teams play more than one other team, simulating actual play of teams in a regular football season) to determine win-loss records for each said team responsive to victors and non-victors of said duels (col. 1, lins. 29 – 33; where a team accrues wins and losses based on a comparison between scores of dueling teams during a particular game). Performance classification groups of teams are defined responsive to the strength of duel schedule of said respective teams (col. 2, lins. 10 – 12, where teams are ranked based on their strength in winning against other teams during the regular season) and a playoff schedule is created between teams having the highest performance classification (col. 11, lins. 27 – 32; where teams qualify or do not qualify for an All Star reorganization which is similar to playoffs in a fantasy league incorporating a postseason based on regular season rank).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,830,069: Network based electronic gaming.

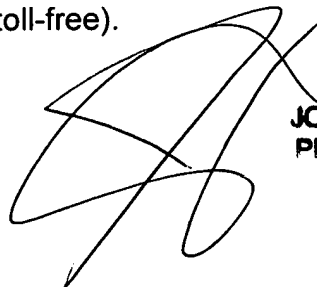
Yahoo. Yahoo! Sports Fantasy Football Plus. Internet Archive Wayback Machine.
11/6/2001.
(<http://web.archive.org/web/20011106180615/http://help.yahoo.com/help/footballp/rules/rules-01.html>).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is 571-272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK



JOHN M. HOTALING, II
PRIMARY EXAMINER